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FROM **NAME:** James R. Miner, Reg. No. 40,444
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MESSAGE Attached please find the following regarding **U.S. Patent Application No. 09/695,830:**

1. Response to Restriction Requirement (3 pages); ✓
2. Certificate of Transmission (1 page); and ✓
3. Fax Cover Sheet (1 page). ✓

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DATE: April 11, 2005
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Attorney Docket No. 52493.000090
Application Serial No: 09/695,830

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Application No.: 09/695,830
Attorney Docket No. 52493.000090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :

Kathryn B. Vivian

Application No.: 09/695,830

Filed: October 26, 2000

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Group Art Unit: 2142

Examiner: Hieu C. Le

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APR 11 2005

For: "METHOD AND SYSTEM FOR INTERACTIVELY GENERATING AND
PRESENTING A SPECIALIZED LEARNING CURRICULUM OVER A COMPUTER
NETWORK"

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed March 10, 2005, Applicant hereby traverses the
restriction requirement and requests reconsideration and withdrawal of such requirement.

Claims 10-17, 19, 31-38 and 40 are presently pending in the application.¹

A. SUMMARY OF RESTRICTION REQUIREMENT

The Office Action asserts that restriction to one of the following inventions is required
under 35 U.S.C. §121:

Invention I: Claims 10-16, 31-37;

Invention II: Claims 17, 38; and

Invention III: Claims 19, 40.

¹ Applicant respectfully notes that the Office Action cover page incorrectly notes that
claims 1-9 are pending.

Application No.: 09/695,830
Attorney Docket No. 52493.000090

The Office Action asserts that the inventions are distinct, each from the other because of the following reasons - Inventions I-III are related as subcombinations disclosed as usable together in a single combination. The Office Action asserts that the subcombinations are distinct from each other if they are shown to be separately usable; and that in the instant case, invention I has separate utility such as a method for selecting number of content, invention II has separate utility such as a system for storing received personal information to a user profile associated with the user if it is determine that the user is logged in; and invention III has separate utility such as a system for emailing content element to a friend; See MPEP. § 806.05(d).

B. ELECTION

In the event that the election requirement is not withdrawn, Applicant hereby provisionally elects the Invention I of Claims 10-16, 31-37, with traverse.

C. TRAVERSAL

Applicant respectfully traverses the restriction requirement. It is respectfully submitted that, due to the related subject matter of the claims, a complete and thorough search of the claims identified above as belonging to Group I would involve a search of the areas relevant to the non-elected claims. Accordingly, Applicant submits that the burden on the Examiner does not warrant requiring Applicant to pay duplicative PTO fees and perform duplicative prosecution to obtain patent protection for the present invention.

Further, the Office Action's indication of "method" and "system" claims is not understood, as supporting the asserted Requirement. That is, for example, claim 17 is indicated in paragraph LII. as being drawn to a system. However, claim 17 is a method claim. Similarly, claim 19 is reflected in the Office Action as being drawn to a system, whereas claim 19 is drawn to a method. Clarification is respectfully requested.